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No. 80-1128

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1980

CATHERINE ELIZABETH SCHWARZ,
Petitioner,

vs.

COASTAL RESOURCES MANAGEMENT COUNCIL,
STATE OF RHODE ISLAND, & CITY OF WARWICK,
Respondents.

APPENDIX

to the

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

CATHERINE ELIZABETH SCHWARZ, PRO SE
PRESIDENT, CLEAN COVE COMMITTEE, INC.
374 SEA VIEW DRIVE, WARWICK,R.I. 02886
Tel. 401-738 7648

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FLOODPLAIN MANAGEMENT GUIDELINES

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In CFR 33.Sec.240 deals with protecting people and property, and building in the floodplain. It details specific actions and regulations for the Army Corps of Engineers to adher to, and the Corps has ignored it entirely. Sec.320.2 (b) The accomplishment of any other work affecting the condition of such waters, is unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army.

EXHIBIT ONE: Copy of FLOODPLAIN MANAGEMENT GUIDELINES E.O. 11988. Pages 27 to 41.

CFR 33 Sec.320.3 RELATED LEGISLATION

(a) Sec.401 of the Fed. Water Pollution Contol Act Amendments 1972 (Pub. L. 92-500;86 Stat. 816, 33 U.S.C. 1341) requires any non-Federal applicant for a Federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a certification from the State in which the discharge originates or will originate, that the discharge will comply with the applicable effluent limitations and water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. Also,(b), (c), (d), and (e).

APPENDIX

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

CATHERINE E. SCHWARZ *
* CA.NO.
V. *
* 80-137
COASTAL RESOURCES MANAGEMENT *
COUNCIL, STATE OF RHODE ISLAND *
AND CITY OF WARWICK. *

PROCEEDINGS HELD ON 19 JUNE 1980, IN THE ABOVE CAPTIONED CASE IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND BEFORE HONORABLE FRANCIS J. BOYLE.

JUNE 19, 1980

THE COURT: This is an application for a preliminary injunction with respect to the location of a pumping station by the City of Warwick, Rhode Island, adjacent to the shoreline of Narragansett Bay.

The plaintiffs appear pro se, and the Court has endeavored to extend to the plaintiffs a liberal opportunity to establish a basis for, (1) jurisdiction of

this Court and (2)a reason why this Court should excercise this jurisdiction.

It appears that the pumping station is part of a sewer project which encompasses at least a part of the City of Warwick, Rhode Island.

The Court is,it seems to me,required to take judicial notice of the fact that as society moves forward,certain needs are created,not the least of which is a method for disposing of waste. That type of question,the method of waste disposal is essentially,to begin with,an engineering question. Perhaps you're dealing also in issues of the other sciences. And it is a question which,under our system of government,is determined in the first instance,by the legislative branch,consisting of the city council,City of Warwick, apparently a sewer commission in that community, CRMC, EPA, have all acted in one way or another with respect to this

proposal.

It is obvious that all actions of government are not going to receive unanimous approval of the Public. It is also clear to this Court that the plaintiffs here are sincerely concerned about this plight, and the plight of the environment about them. The question is whether there is an issue for this Court to decide.

The legislature is entrusted with the general regulations of the affairs of society. People are elected to positions in government with that responsibility. If the Public is dissatisfied with their activities, the remedy is at the ballot box. It is not in the judicial branch of government. The issue here is the grant of a preliminary injunction.

In Wright and Miller, Sec. 2948, the author states; A formulation that has become popular in all kinds of cases, although it was originally devised in connection with

stays of administrative orders,is that the four most important factors are, (1) The significance of the threat of irreparable harm to the plaintiffs if the injunction is not granted; (2)The state of the balance between this harm and the injury that granting the injunction would inflict on the defendant; (3)The probability that the plaintiff will succeed on the merits: and (4) The public interest.

It seems to this Court that the public interest must be presumed to be expressed in the actions of the City of Warwick. It may be that a substantial minority of the people are opposed to those actions,but in view of the fact that the municipality has acted here,and is acting,on the issue of public interest,it seems to this Court that the weight falls on the side of the city.

The plaintiffs seem to be arguing that the proposal violates 33 Code of Federal

Regulations,Part 240. That regulation,it appears to this Court,applies to government projects being conducted by the Corps of Engineers and relates to work within the floodplain on such government projects. It is not remotely suggested that this project fits within that definition. Therefore,it appears to this Court at this time,that the project is not one that is covered by those regulations.

The plaintiffs also argue that by Federal law,discharges are to be prohibited. Now,it appears that the parties are not in disagreement that this project does not involve the deliberate présent continuing discharge of pollutants into the navigable waters. The plaintiffs argue that in the event of a catastrophe such as a hurricane or in the event of the passage of time,the normal wear and tear, in the event of the normal kind of accident that can be expected in the opera-

tion of any kind of mechanical facility, dealing as this one does in handling millions of gallons of substances over a period of time, are all subject to leaks, spills, overflows, accidents of all types, and that therefore this type of activity is prohibited by federal law which prohibits discharges.

Assuming for the moment that the plaintiffs' view is correct, the federal law does impose such a prohibition, one of the hallmarks of our society has been that the rules that govern our society are applied in a reasonable fashion. The Federal Government could not have intended that by legislating against discharges, it would thereby have prevented any and all accidental discharges into the navigable waters. That would be an unrealistic construction to place on any provision of the law. What is in mind here certainly is the prohibition of the deliberate

dumping of materials into the navigable waters.

Now with respect to whether or not there is such a prohibition, this Court in United States of America v. City of Providence, 77-0374, filed May 2, 1980, at Pages 9 through 11, dealt with the present state of the law with respect to discharges, and held that the Federal law does not prohibit discharges into navigable waters, but requires that a permit be obtained and provides for the regulation of these discharges, at least until 1983. I might say that the legislation, it appears from some of the decided cases was legislation that was adopted by what appears to have been a very enthusiastic but somewhat unrealistic Congress, that decided to put a lid on discharges into navigable waters, which initially I believe was 1972. It has since been extended a number of times, and the latest step

in the process is to require by 1983 the use of the best practicable methods of sewage control, elimination of discharges. Society has not - the technology of society, at least, has not yet arrived, unfortunately, at the melanian*, and we still have a long way to go.

*millennium

It seems to me with regard to the matter of public interest, with regard to the matter of probability of success on the merits, the plaintiffs' claim here is lacking. I have substantial doubt that there is any issue here upon which there is a probability of success on the part of the plairtiffs.

It seems to me in the public interest, the project, at least, should proceed at this point without interference by this Court.

Additionally, there is the threat, at least the Court must perceive such a threat, to the public health of the citizens,

of the City of Warwick. This project presumably will improve their lot, in that it is hopefully a step forward for a civilized society. Sometimes those steps forward do affect the interest of other people. But there is a substantial interest in seeing that the public health is protected, and this is one method of doing so. So that the significance of threat of irreparable harm to the defendant city is substantially more than the threat of irreparable harm in the event of an accident or hurricane or some such catastrophe to the plaintiffs.

It seems to me that the state of the balance between the harm and the injury rests with the City rather than with the plaintiffs in this action.

It therefore appears with respect to all four factors, the plaintiffs' action fails on preliminary injunction.

Plaintiffs' motion for preliminary in-

junction will be denied. Plaintiffs may have an exception. The defendants will prepare and present a form of order.

Now, Mrs. Schwarz, you may have some appeal rights that you might want to look into. --Judge Francis Boyle.

****

U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

CATHERINE E. SCHWARZ *
*
v. * C.A. NO. 80-1479
*
CRMC, STATE OF R.I. *
AND CITY OF WARWICK *
*

BEFORE COFFIN, CHIEF JUDGE,
CAMPBELL AND BOWNES, CIRCUIT JUDGES.

MEMORANDUM AND ORDER

Entered September 15, 1980

The plaintiff-appellant filed suit in the U.S. District Ct. for the District of R.I. seeking to enjoin the completion of construction on a sewage pumping station. The District Ct. denied preliminary injunctive relief. Appellant has now filed before this Court a "Motion for Injunction"

It is difficult to determine from this motion what specific relief she is seeking from this Court. If appellant's motion is construed as a request for a stay or an injunction pending appeal, Rule 8 (a) F.R.A.P., the same is denied for the reasons stated by the District Court. If motion is construed as a request for review of the denial of a preliminary injunction, 28 U.S.C. 1292(a)(1) that order is affirmed, First Circuit Rule 12, because we can find no abuse of discretion or any clear error of law. See Grimard v. Carlston, 567 F.2d 1173(1st Cir. 1978). The reasons stated by the District Court amply set forth the lack of any probability of success on the merits and demostrate why the balance of hardships tilt in favor of the defendants.

Appeal dismissed. By the Court;

/s/ DANA H. GALLUP, Clerk.

****

Rehearing denied, October 6, 1980, supra/

EDWARDS & ANGELL

One Hospital Trust Plaza
Providence, Rhode Island 02903

Mr. Kenneth Jackson
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts, 02154

February 15, 1979

"We submit that the construction of this pumping station is subject to the permit requirements of the Corps of Army Engineers.

The proposed pumping station is to be located on a peninsula surrounded by navigable waters. The actual structure will be within 200 ft. of Brush Neck Cove, a navigable waterway. The area in which the pumping station will be built is subject to constant flooding and severe storm damage. At frequent intervals in the last century, whole structures in the immediate vicinity of the proposed location have been destroyed by natural disasters.

The waters of Brush Neck Cove are presently unpolluted. If a natural disaster were to cause the flow of raw sewage into Brush Neck Cove, navigation of that waterway would be severely affected. Moreover, the waters of the cove are presently used for fishing and clamming. It is possible that only one serious storm would be enough to end these activities in Brush Neck Cove forever.

Our examination of the Army Corps of Engineers' regulations indicates that a permit is required for all structures or work affecting navigable waters in the United States. See 322.3 (a), Federal Reg-

ister, Vol. 42, #138 (July 19,1977). Although the structure of the pumping station will not be within the navigable waters of the United States,if its design is not adequate to withstand the severe storms to which the area is frequently subjected,it will severely affect the navigable waters of the United States. In addition,it is the policy of the Department of the Army to consider not only navigability but also fish and wildlife conservation,pollution,aesthetics,ecology, and the general public interest. See 33 C.F.R. 209.120. All of these interests would be affected by placement of an inadequate structure at this site.

To the best of our knowledge,the Warwick Sewer Authority has not yet applied for a permit from the Army Corps of Engineers. Moreover,it does not appear that they intend to do so. Therefore,we would urge the District Engineer to commence an investigation of this project in accordance with 326.3,Federal Register,Vol.42, #138 (July 19,1977)."

Very truly yours, Patricia A.S. Zesk

****

Q. Why has the Army Corps of Engineers abrogated its duty where this Floodplain site,at navigable water,is concerned ??

Sewer pump location said 'ridiculous'

To the Editor:

I, Robert D. Bowman, would like to state that I am not in favor of having the proposed sewer pumping station in the planned location. It is a ridiculous plan for many reasons.

1. The area is wide open to any storms coming up the bay which would ruin the pumps and other expensive equipment and make the pump station inoperable.

2. The water-tight door they have planned might hold out rain water, and that is only a maybe. But it definitely would not hold out flood waters.

3. The 6 inch intake and 6 inch exhaust pipes 9 feet in the air will be the first things that snap off in the surge of hurricane force waves with boats and other debris pushing and hurling against them.

4. I worked for the City of Warwick for 2 years in the mid 60's with the waterfront department. We were taking out the remnants of broken up foundation walls that had collapsed in the 1954 Hurricane. We were working to make a nice place for swimming at Oakland Beach. Now a sewer pump station right on the waterfront with 4 foot high hatches and 6 vents 9 feet in the air and 7 foot link chain fence with 3 lines of barbed wire all around it will be a real eyesore at the only clean water to clam in and fish and swim. It will be a real black eye to the Warwick Planning Board for locating it in such a hazardous area. When it spills sewage onto the beachfronts and Warwick City Park the Public will know who to blame.

5. I worked on the Narragansett Sewer Treatment Plant, the Smithfield Treatment Plant, and the Warwick Spring Green Sewer Pump Station and that one really smells awful. I can truly say that sewer pumps do smell and some really stink very badly. Warwick has had trouble with odor problems.

Robert D. Bowman
Warwick

An employee of Hart Engineering, New England specialists in sewer pump building and maintenance, Bob Bowman took plans to Boston architects, consensus above. Lived 22 yrs. on Brush Neck Cove, clammed there all his life, and now a supervisor in building; R.I. Hospital Trust Bank, Howard Johnson Complex, etc. Been on T.V. and in news on this but no attention paid to real Experts; though defendants admit they call him when they have problems they can not solve themselves. Quoting Fred Hoernle, the top engineer from C.E.Maguire, "We call on Bob every time we have a knotty problem."

250 in Warwick protest site of sewage station

WARWICK — About 250 Oakland Beach residents rallied yesterday morning at the construction site of a sewage pumping station to show their opposition and leaders of the group vowed to bring the fight to the U.S. Supreme Court to block its completion.

Catherine E. Schwarz, leader of the Clean Cove Committee, which is the principal group fighting the facility, said that the committee had invited all local officeholders to the rally to discuss their position on the issue.

However, only Rep. Edward P. Beard showed up. Mrs. Schwarz said he promised to review the plan with federal officials in Washington. She said she had met with Beard recently to discuss her opposition to the station.

A federal court judge last month denied Mrs. Schwarz's petition to block the construction of the pumping station near Brush Neck Cove. Another hearing is scheduled for June 3 to hear further arguments in the case.

Mrs. Schwarz maintains that the pumping station is too close to Brush Neck Cove and may pollute the waters, which are still clean enough for clamming. She contends that a heavy storm might overload the station, and its sewage would spill into the cove.

City and Coastal Resource Management Council officials argue that the site was chose after several years of study. The station is part of a 20-year, $30 million city sewer plan.

Engineers who drew the plans maintain that building the station on Brush Neck Cove is the only way that Oakland Beach can be served by sewers. Mrs. Schwarz said she believes there are other sites available.

Workers have already begun placing pilings into the ground, and Mrs. Schwarz said that she wants to resolve the issue as soon as possible.

Defendants say Petitioner fighting this case alone, and engineers planned sewer pumps for this cove. Both totally false statements. Public Hearing transcript states east side picked by engineers, where pollution and septic run-offs do exist and city-owned land and lowest point, Warwick Cove.

Bristol shellfish ban lifted

BRISTOL — Although she complained it was a bit late, Town Administrator Sarah Amaral said yesterday she got some good news over the weekend — Bristol Harbor has been reopened for shellfishing.

In an *Evening Bulletin* story Friday, Mrs. Amaral said she was ready to storm Governor Garrahy's office if the state ban on shellfishing in Bristol Harbor was not lifted immediately.

After the story appeared, Mrs. Amaral said she heard from Carleton Maine, the state Department of Environmental Managements' (DEM) regulation director. Mrs. Amaral said Maine told her the habor was reopened for shellfishing one week ago today.

On Jan. 29, the DEM banned shellfishing in all of Bristol Harbor because of a pump breakdown and raw sewage overflows from the Oliver Street sewage pumping station.

The west half of Bristol Harbor, including an area off Poppasquash Point where quahogs were transplanted from polluted waters of Narragansett Bay last fall, is now open.

Shellfishing is banned permanently in the east half of Bristol Harbor as a health measure in the event of sewage equipment breakdowns.

Warwick man dies in car accident

Eugene Montecarlo Jr. of 81 Powhatan Street died in a car accident in Providence early yesterday morning. Providence police reported that the man apparently suffered a heart attack while driving and his car left the road at the corner of Niantic Avenue and DuPonte Avenue, where it struck a building.

An assistant medical examiner pronounced him dead at the scene shortly before 1 a.m. The man was 55 years old.

Mr. Montecalvo last words to me, "Watch out for your health and don't let them (defendants)get to you". The answer was "We will fight the injustice of this case as long as God gives us the health and strength".

****

With 9 members of CRMC signing the Decision for Permit; stating no adverse effects from sewage pumping stations on our shellfishing cove, while there are raw sewage overflows from sewer pumping stations all over R.I. Perjury has been committed. CRMC doesn't protect anything. Just close off and point out messes after they permit them to happen, even through criminal actions.

The defendants are using Federal money to violate Federal laws. The Clean Water Act, Sec. 301, Water Quality, and Sec. 309.(a) (1), (b), and (c) (2)Falsifying documents and certification, and representation.

Strengthen Wetlands Act

To the Editor:

At the Wetlands Public Hearing, Tuesday afternoon, all the people spoke out against weakening the Wetlands Act and many want it strengthened and more vigorously enforced. That some politicians, developers and builders want to weaken the Wetlands Act speaks for itself. The destruction already done to our water, air and land by heedless profiteering is a national disgrace.

The Section 8 shennanigans have shown the proud profession of the builders and developers, in some instances, aligned with politicians for quick profits. Building Codes are weakened and overlooked, cheap and shoddy material substituted for strong and good material, and now the Wetlands Act is being attacked. Twenty days to get a permit leaves the Public out of the transactions totally because it is not enough time to alert the Public and have Public Hearings so should be protested by every taxpayer.

That the politicians are already so arrogant that they don't even apply for a permit to build in the wetlands and floodplains, as in the case of the present Administration of Warwick, Mayor Walsh and Barbara Schioloff, several thousand of dollars had to be spent by the taxpayers and residents of Brushneck and Buttonwoods Cove to have this one issue enforced. Now this case brought by aggrieved citizens of the Clean Cove Committee, and based in part by the Wetlands Act and the Federal Floodplain Laws, is in court. Several other groups concerned with protecting their environment and the water, air and land of the entire state have to have this Wetlands Act remain intact and strengthened by the Kilmarx Land Management Bill now before the Legislative of the State House.

It has been there for some time now and should be pushed forward by all concerned citizens that want clean water, clean air and shellfish and finfish that is clean and good to eat.

Call your State Senators and Representatives tell them you want clean water and a strong Wetlands Act and want it enforced.

If the Wetlands Act was enforced in the case of putting sewer pumps on a class SA cove where clamming is allowed which is the case of the Clean Cove Committee, we would not be in court because the authorities should have denied this permit because it is not legal. It all stems from political pressure being brought to bear on the different agencies by pols who have the combined brains of a turnip, and we, the Public have to pay for their mistakes and their greed.

Public Pressure is the main way to get the right things done and to vote for the people that will get the right things done for you.

The present Administration in Warwick states that the auxiliary pump for the proposed sewer pump will go on instantly if we have a power outage such as the electrical failure experienced in Apponaug Saturday afternoon; but the true fact is that the generator did not kick on and power

Crash into utility pole starts 3-hour blackout

WARWICK — A utility pole at Post and Arnold's Neck Roads was smashed in a two-car accident yesterday afternoon, leaving 1,400 customers in the Apponaug, Greenwood and Cowesett sections without power for three hours.

Police, who last night said they had no details on the 3:54 p.m. crash, said no one was seriously injured. They identified one driver as Kevin McGuire, 21, of 68 Tidewater Drive, Warwick. and the other only as Ursula Zenga.

Police and Narragansett Electric Company officials said no major problems resulted from the power failure. However, at police headquarters, not far from the struck pole, telephone service and power went on and off for about 30 minutes before the stations emergency generators finally worked, police said.

In the good hands of government?

To the Editor:

Who among us believe that the Warwick City Council in "passing" the zone ordinance for the Pontiac housing project, was unaware that a valid affirmative vote had not been registered?

Are we to believe that skilled elected officials, schooled for years in the intrigues and shenannigans deemed laudable in mastering party politics, had no inkling of what they were doing? And must we accept the wailing remonstrance by members of the Council that, before voting, their legal advisor withheld enlightenment?

How fortunate that Carmine Ginolfi interceded in this dismal display of "ignorance" to prevent violation of the City Charter, Warwick's Council members are sworn to uphold. How fortunate too, that Warwick has the Benoit's and Sharkey's to "guide" Mayor Walsh and Council President Pellicano through the tricky quagmire of Charter requirements. It may be that, as suggested by Nanette M.R. Poussin and others, the time has come to form Ward Community Associations to lead our elected oficials out of their "perplexities."

Mayor Walsh has mounted a strong campaign against the un-hygienic operation of the Providence sewer treatment plant, while Catherine Schwartz writes persuasively in the Warwick Beacon in her fight to prevent installing a sewer pumping station where the effluent could pollute the "only clean water Warwick has left in the entire city." In this regard, no city in Rhode Island is immune from finger-pointing. Does Warwick have "clean hands?" Singularly, the pumping station is inferred to coalesce with future private condominium construction in which great sums of taxpayers dollars will be used to finance preparatory development improvements. There is a curious relationship between this and the Pontiac experience, in that valid and substantial opposition before the City Council was ignored.

The aggressiveness of the Schwartz effort is reminiscent of the courageous one-man campaign waged by Harvey Flint about 30 years ago, against the failure of the State to prevent industrial pollution from destroying Narragansett Bay. Then, the Providence River stenching through Market Square was described as the "World's largest open sewer flowing under the widest bridge in the world"

Through paid advertising, Flint publicly named firms and city systems throughout Rhode Island, who were the chief offenders. It forced Governor Pastore finally to promise action. Harvey's resources were not unlimited. His efforts could not be sustained. Conditions in Narragansett Bay reverted to what exists today, largely due to the lack of citizen protest. Then as now, politicians and government agencies fail to meet public responsibilities, leaving it to the Ginolfi's, Benoit's, Sharkey's, Poussin's, Carbone's and the Schwartz's to bring redirection to otherwise misdirection.

The turn-around vote of Councilman Gallucci in the Pontiac vote change gives ample proof that voters are under a serious misapprehension when it is assumed that elected representatives give priority to the concerns of their constituents. They do what party powers tell them to do, or with less merit, what special interests demand. Alarmingly, the motives of government increasingly justify skepticism. The incompetence and moral deficiencies evident at all levels of administration compel the judgement that an ability to distinguish between the legitimate purposes of government and narrow selfish interests of "tax consumers" is lacking, so that public aspirations become private acquisitions.

To borrow a popular advertising slogan, federal, state and local governments are not always the "good hands people", voters think they elect.

Donald J. MacDonald
Warwick

Avery supports moving Oakland Beach sewer pump

To the Editor:

Candidate for Mayor Edwin Avery made several down-to-earth statements at the public hearing on future plans for Warwick sewers. First and foremost he stated, that since the residents of both sides of Brushneck Cove did not want a sewer pumping station built in a flood plain because of the danger of destruction during a hurricane and pollution to Buttonwood and Brushneck Cove, it would be only reasonable to move it. Mr. Avery mentioned that several places on high ground had been suggested that would keep the threat of devastion from hurricanes away from the pumping stations and pollution to the only cove left in Warwick where residents from all over Warwick now enjoy clamming and swimming at Warwick City Park and they should not be jeopardized.

Mayoral candidate Avery also mentioned that when he saw the petition several weeks back, it had over 500 names on it and he wondered why these people's thoughts were not taken into consideration since they were the people living in that area.

The residents of both Oakland

Over 400 people showed up at City Hall mid-March '78 and 380 at this, but ignored.

WARWICK BEACON
April 18, 78

O. Beach residents to protest sewer project

A Statewide Planning Council review of the proposed sewer pumping station at Buttonwoods and Brushneck Coves will be held Thursday, April 20 from 9 to 10:30 a.m. in the Statewide Planning office at 265 Melrose Street, Providence.

Residents opposing the construction of a pumping station in the neighborhood are expected to attend the meeting to protest.

Catherine Schwarz, a Seaview Ave. resident who has spoken out strongly against the pumping station, reports that Sewer Authority meetings in recent weeks have resulted in suggestions that the previously planned gravity feed, ground level pump station in the Oakland Beach area be changed to a suction pump placed on high ground out of the extreme high risk hurricane area.

This change in plans would get sewerage out of the flood area quickly and would allow any overflow, if such occurred, to be absorbed into the ground instead of flowing into the bay.

Mrs. Schwarz cites noise and odor problems of the pumping station if built as originally planned in an area of residences and recreational use of the bay as her main objections. She says she was told that a suction pump would be too expensive and that gravity feed, by which sewage would flow to the pumping station, was the cheapest method.

But, she concludes, "Cheap ways lead to expensive cleanups."

'Defend clean water we have left'

To the Editor:

This is an open letter to all the politicians, past and present, who have created all this filthy mess along our shorelines.

Don't you politicians realize that all the intelligent people of R.I. are tired of all this sewage polluting every stream, brook, river, and, subsequently, all Narragansett Bay?

Don't any of you realize sewage belongs in the land where it will enrich, not in the water where it will pollute?

Does raw sewage have to rain down on your heads before you will wise up? Hasn't the past two calamities taught you anything? January's floods with all the sewer treatment plants throwing out untreated sewage into the Providence and Pawtuxet Rivers for three days, didn't teach you anything? Raw sewage from ruptured sewer pumping stations spewed untreated human waste into the nearest waterways for three days, didn't teach you anything?

All last week a deluge of raw sewage festooning the beaches from East Providence and Cranston to Warwick, did that teach you anything?

There has got to be some intelligent life left in Rhode Island. And if there is they will go to the Public Hearing in the State House next Tuesday evening at eight o'clock and tell these political polluters that we don't want anymore waterside sewer apparatus: no matter what they call it, because the facts prove that all sewer plants at the water edge are very soon in the water.

It doesn't matter where you live it effects all of us in the long run. The Clean Cove Committee has been trying to keep a sewer pumping station off the only clean Class "A" cove left in Warwick for that very important reason. Not only Brushneck and Buttonwoods Cove would be effected by the rupturing of this sewer pump but all Greenwich Bay. Look on your maps, you yachtsmen and come and defend the little clean water we have left.

Are these politicians all wearing their neckties too tight? Has the circulation to the brain stopped entirely?

Again, Catherine Schwarz and the Clean Cove Committee have had to put up their own money to fight in Court and Washington, D.C. against the Pumping Station site. Yet the law governing sewer pumps in Floodplains states: "With enough Public Protest an alternate site has to be found." The dangers to clean fishing, pollution, raw sewage being dumped in the Cove are real. Why must people have to spend money to *fight City Hall and demand justice*? Why do we need a City Hall?

Politicians, bureaucrats, big business leaders, municipal Union leaders fear that a fair government that works on merit rather than political manipulations will jeopardize their own affluent livelihood. Of course less centralized government would be best served at local level *with the people having a voice*, where sound government could be made to support itself at the lowest possible level.—*That is the message the people must send out at the Special Referendum, the primaries and in November.*

As Voltaire wrote: "If a man is born free, he aught to govern himself!—If a man has tyrants, he aught to dethrone them!" We are living in a vast graveyard with blighting shadows over all our activities, we must get out of this graveyard, out where there is light, where there is brave significant motion, hope and joy. Out into the broad road to Truth—and Honesty.

Nanette M.R. Poussin
Warwick

The best engineer of all!

To the Editor:

On Thursday evening, February 8 at 7:30, a public hearing will be held at Warwick City Hall. Coastal and Natural Resources is conducting this hearing on an application for a permit to build a sewer pumping station in a flood plain. We all saw and heard what happened last weekend all over this state, where all the sewer treatment plants and all the sewer pumping stations that were in flood areas were overflowing with raw sewerage into the nearest body of water. This went on for three days.

The nearest body of water in this case is Brushneck and Buttonwoods Cove and it is the only class "A" cove left in Warwick. Our cove is a haven for clammers and fishermen all year long (even ice fishing). Warwick City Park and Beach is right in the center of Brushneck-Buttonwoods Cove and thousands of residents from all over the state spend many a warm day there picnicking and bathing. All this will be taken away with the destruction of one flood. Mainly, because of the way it was created. It has two long narrow branches with only one small opening at the end of Buttonwoods Point. The narrow opening and the shallow bottom of most of Brushneck-Buttonwoods Cove does not allow for a tidal sweep. So once destroyed by the solid wastes from a ruptured flooding pump station it would be even worse than the Providence River.

With a thousand petitioners I never have been working alone and it is these same petitioners that have paid the lawyers fees. And we have the best of lawyers to deal with the flood plain laws. Mr. Deming Sherman and Ms. Pat Zesk of Edwards and Angell law firm were highly recommended for work of this nature in conservation. In fact, it was only a matter of minutes before Mr. Sherman had the law stating that nothing in the state of R.I. can be built near any body of water without the 200 foot set-back now on the books. By 1983, the new land management act will have a 300 foot set-back from any body of water.

These laws have to be enforced and maintained if we are to keep our clean water to drink, and our clean water to swim and fish in. All our environmental laws are there to protect all of us from the folly and greed of a few.

The new land management act will keep all flood plains for natural and recreational uses, which will give us all more space to hike and bike and bathe and stretch out in the sun. Very important will be the preservation of our watersheds which are the best protection against river and stream, inland waterway flooding.

There are people living at sea level here in Oakland Beach in the most vulnerable high velocity hurricane flood risk area. We have been flooded out constantly, by either rainwater or salt water, but we never had raw sewerage floating into our houses. That would be inhumane and an indecent act to inflict on these people already living in jeopardy. Then the threat of typhoid fever will become a reality.

The engineers who planned this sewer pumping station are the same "experts" that planned the sewer treatment plant that over-flowed for 3

days. Yet. I have. in writing, statements from them stating that our fears of flooding are groundless as they know everything that nature can do and have planned for all contingencies.

Last weekend proved that they don't know what nature or the Creator of all this will do or can do. In fact, they don't even know what they are doing...these engineers that are destroying all the good things of life in the name of progress. It is not progress. It is greed.

Not only do we have several environmental groups aiding the "Clean Cove Committee" but the Sisters of St. Ann have put our petition with my picture on it at the altar of St. Ann and prayed we would win. This Cove is their vacation spot and they dearly love this place and appreciate the clean water. as they swim every day. They also told me they would pray to St. Jude. the saint of the impossible, so how can anyone think I've been doing this on my own or alone. I never was alone or the leader. I have been led and pushed forward to do my best and to keep going. as we will eventually win. We have the greatest engineerof all on our side.

Catherine Schwarz
Warwick